

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Benjamin MANDLER et al.
Application No.: 09/929,260 Conf. No. 9743
Filed: August 15, 2001
For: USE OF SPECIAL DIRECTORIES FOR ENCODING SEMANTIC INFORMATION ...

Art Unit: 2165
Examiner: S.G. Rimell
Washington, D.C.
Atty.'s Docket: MANDLER1
Date: March 14, 2006

THE COMMISSIONER OF PATENTS
U.S. Patent and Trademark Office
Randolph Building, Mail Stop AF
401 Dulany Street
Alexandria, VA 22314

Sir:

Transmitted herewith is a ☐ Amendment ☒ Appeal Brief

in the above-identified application.

☐ Small Entity Status: Applicant(s) claim small entity status. See 37 C.F.R. §1.27.

☒ The fee has been calculated as shown below:

	(Col. 1)		(Col. 2)	(Col. 3)
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA EQUALS
TOTAL	* 78	MINUS	** 90	0
INDEP.	* 9	MINUS	*** 9	0
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				

SMALL ENTITY	
RATE	ADDITIONAL FEE
x 25	\$
x 100	\$
+ 180	\$
ADDITIONAL FEE TOTAL	
\$	

OTHER THAN SMALL ENTITY	
RATE	ADDITIONAL FEE
x 50	\$
x 200	\$
+ 360	\$
TOTAL	
\$	

- * If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.
- ** If the "Highest Number Previously Paid for" IN THIS SPACE is less than 20, write "20" in this space.
- *** If the "Highest Number Previously Paid for" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest Number Previously Paid For" (total or independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment of the number of claims originally filed.

☒ Conditional Petition for Extension of Time

If any extension of time for a response is required, applicant requests that this be considered a petition therefor.

☒ It is hereby petitioned for an extension of time in accordance with 37 CFR 1.136(a). The appropriate fee required by 37 CFR 1.17 is calculated as shown below:

Small Entity

Response Filed Within

☐ First - \$ 60.00
☐ Second - \$ 225.00
☐ Third - \$ 510.00
☐ Fourth - \$ 795.00

Month After Time Period Set

Other Than Small Entity

Response Filed Within

☒ First - \$ 120.00
☐ Second - \$ 450.00
☐ Third - \$ 1020.00
☐ Fourth - \$ 1590.00

Month After Time Period Set

☒ Less fees (\$120.00) already paid for 1 month(s) extension of time on March 13, 2006.

☒ Fee for filing Appeal Brief \$500.00.

☐ Please charge my Deposit Account No. 02-4035 in the amount of \$_____.

☒ Credit Card Payment Form, PTO-2038, is attached, authorizing payment in the amount of \$ 500.00.

☐ A check in the amount of \$_____ is attached (check no.).

☒ The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of Time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR §1.16 and all patent processing fees under 37 CFR §1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR §1.18.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Benjamin **MANDLER**
and Roman TALYANSKY

Application No. 09/929,260
Filed: August 15, 2001

USE OF SPECIAL DIRECTORIES FOR ENCODING SEMANTIC INFORMATION
IN A FILE SYSTEM

Examiner: S.G. Rimell
Art Unit: 2165

APPEAL BRIEF

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Attorney Docket: MANDLER1

Date: March 14, 2006

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In re Appln. No. 09/929,260

REAL PARTY IN INTEREST

The subject application is owned by International Business Machines Corporation, having a place of business at New Orchard Road, Armonk, New York. The assignment was recorded in the U.S. Patent and Trademark Office on October 23, 2001, under Reel 012279, Frame 0997.

In re Application No. 09/929,260

RELATED APPEALS AND INTERFERENCES

None

In re Application No. 09/929,260

STATUS OF CLAIMS

This application as filed included claims 1-90. Claims 1-66 have been withdrawn with traverse. Claims 70-75 and 82-87 have been canceled. Claims 67-69, 76-81 and 88-90 are pending. Claims 69 and 81 have been objected to. Claims 67, 68, 76-80 and 88-90 are being appealed.

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STATUS OF AMENDMENTS

On March 13, 2006, Appellants filed an amendment to correct informalities in claims 67, 79 and 80, in order to put the claims in better form for consideration on appeal. This is the only amendment filed since the final rejection of August 8, 2005. This amendment has not yet been considered by the examiner but the appendix of claims includes these amendments as they merely correct matters of form to place the claims in better form for consideration on appeal and they will presumably be entered as they fully comply with 37 C.F.R. §41.33(a) and 37 C.F.R. §1.116(b)(2).

SUMMARY OF CLAIMED SUBJECT MATTER

Appellants' invention, as recited in independent claims 67 and 79, provides computer-implemented information retrieval systems for returning a semantically-dependent directory structure of files to a user. These two claims are similar in substance, except that claim 79 adds the limitation that the directory structure and certain elements of the system are specific to XML files and XML documents. This added limitation is disclosed, for example, in paragraphs 0008-0009 of the present patent application.

The system recited in claim 67 comprises the following elements, which are shown in Fig. 1 of the present patent application:

(a) A file system engine (24), which receives a file request via a file system API (16). The file request specifies file content. Examples of this sort of request are shown in paragraphs 0112-0114.

(b) A parser (26), which retrieves structural information of documents and at least one of elements, attributes and attribute values from the documents (paragraph 0116, lines 12-18).

(c) An indexer (20), which constructs an inverted index of the elements, attributes and values (paragraph 0116, lines 18-22, and see also Fig. 2).

The file system engine retrieves posting from the inverted index that satisfy requirements of the file request and returns a hierarchical tree of directories to the user

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(paragraph 0115). The file system engine returns a special virtual directory in each of these directories (paragraph 0120). The special virtual directory comprises at least one level of the hierarchical tree that is more deeply nested than the level of the special virtual directory in the tree (see, for example, paragraphs 0121-0124).

The remaining claims each depend from one of the above-mentioned independent claims.

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

In an Official Action dated February 23, 2005, claims 67, 68, 76-80 and 88-90 were rejected under 35 U.S.C. §102(e) over Mandler et al. (US 2001/0049675). Claims 69 and 81 were objected to for depending from rejected base claims but were found to recite allowable subject matter.

In response to this Official Action, Appellants filed a response on May 23, 2005, traversing the rejection on the grounds that Benjamin Mandler, who is one of the inventors in the present patent application, was the inventor of the subject matter cited by the Examiner in US 2001/0049675. The response was accompanied by a declaration to this effect under 37 C.F.R. §1.132 by Benjamin Mandler, attached in the Evidence Appendix.

Claims 67, 68, 76-80 and 88-90 were finally rejected in an Official Action dated August 8, 2005, on the grounds that Mandler's declaration by itself was insufficient to overcome the rejection. In reply to this Official Action, Appellants filed a further response on December 5, 2005, accompanied by declarations under 37 C.F.R. §1.132 by all the inventors in both the present patent application and in US 2001/0049675 stating that Benjamin Mandler was the sole inventor of all the subject matter cited by the Examiner in US 2001/0049675 and was also the sole inventor of claims 67, 68, 76-80 and 88-90 in the present patent application. (These declarations are attached hereto in the Evidence Appendix.) In an Advisory Action dated December 29, 2005, the Examiner

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indicated that the additional declarations had been entered, but maintained the final rejection of claims 67, 68, 76-80 and 88-90.

On January 9, 2006, Appellants appealed from the rejection of claims 67, 68, 76-80 and 88-90.

ARGUMENT

Appellants respectfully submit that the Examiner erred in maintaining that the declarations submitted by Appellants under 37 C.F.R. §1.132 were insufficient to overcome the rejection of the claims in this application over US 2001/0049675. The effect of these declarations was to prove that Mandler was the sole inventor both of the subject matter cited by the Examiner in US 2001/0049675 and of claims 67, 68, 76-80 and 88-90 in the present patent application. Therefore, the subject matter cited by the Examiner does not meet the statutory requirement of 35 U.S.C. 102(e) that the invention was described in a patent application "by another."

Based on the Examiner's remarks in the final Official Action and the Advisory Action in this case, it appears that the Examiner does not take issue with the possibility of overcoming the rejection of the claims in this case by means of the Rule 132 declarations, but rather maintained the rejection of the claims on the grounds that Appellants had not submitted sufficient evidence in support of the declarations. On page 5, paragraph (3) in the final Official Action, for example, the Examiner called for "logbooks or correspondence supporting the assertion that the subject matter relied upon by the examiner was in fact invented by Benjamin Mandler." The Examiner reiterated his demand for "objective evidence" in the Advisory Action.

Appellants have, however, submitted objective evidence, in the form of the corroborating statements made by

Mandler's co-inventors in the Rule 132 declarations that were submitted in this case. As noted earlier, these declarations were made by all of the co-inventors both in US 2001/0049675 and in the present patent application. Apparently, the Examiner used the term "objective evidence" to mean "documentary evidence" and maintained his rejection of the claims because no such documentary evidence was submitted.

There is no requirement in either MPEP or in the relevant case law that an applicant for patent must submit documentary evidence in support of a Rule 132 declaration in order to prove that a description of an invention in a prior patent application was not "by another." Therefore, the rejection of the claims in this case is without legal foundation.

MPEP §716.10 states clearly that:

An uncontradicted "unequivocal statement" from the applicant regarding the subject matter disclosed in an article, patent, or published application will be accepted as establishing inventorship.

On this basis, Mandler's declaration by itself should have been sufficient to overcome the rejection in this case, as there is no evidence of any sort contradicting this declaration.

In this regard, MPEP cites *In re Katz*, 687 F.2d 450, 215 USPQ 14 (CCPA 1982), which states, *inter alia*, that:

... authorship of an article by itself does not raise a presumption of inventorship with respect to the subject matter disclosed in the article. Thus, coauthors may not be

presumed to be coinventors merely from the face of coauthorship.

Extending this principle to the present case, the mere fact that Mandler had co-inventors in US 2001/0049675 does not raise any presumption as to inventorship of the subject matter cited by the Examiner in that publication. On the contrary, MPEP §2137.01(V.) states clearly that "A coinventor need not make a contribution to every claim of a patent. A contribution to one claim is enough." In *Katz*, the court found that Katz's own unequivocal declaration was sufficient to prove his inventorship (even without accompanying declarations by the other inventors). Under the similar circumstances of the present case, Mandler's unequivocal declaration by itself should have been sufficient.

MPEP §716.10 continues:

However, a statement by the applicants regarding their inventorship... may not be sufficient where there is evidence to the contrary.

This guideline is based on *Ex parte Kroger*, 218 USPQ 370 (Bd. App. 1982), in which one of the authors of the prior art publication (Knaster) refused to sign a declaration stating that he was not a co-inventor of the subject matter claimed in Kroger's patent application. In *Kroger*, the Board cited *Katz* but distinguished over that case on account of Knaster's behavior and a letter submitted by Knaster to the Patent Office that positively contradicted Kroger's position:

... However, this case distinguishes from *In re Katz* in that Knaster has refused to sign a declaration submitted to him by the

attorneys for the present applicants, which declaration is to the effect that Knaster is not a coinventor. Also, Knaster has introduced evidence into the case in the form of a letter to the Patent and Trademark Office in which he declares himself to be a coinventor with the present applicants. Accordingly, we consider that this application goes beyond the dictates of *In re Katz* and requires further evidence before we can come to a conclusion that the present applicants are the only inventors of the claimed subject matter.

In the present case, unlike *Kroger*, there is not even a suggestion that one of the co-inventors in US 2001/0049675 took exception to Mandler's statement that he was the sole inventor of the cited subject matter. *Katz* makes very clear that the mere fact that there were co-inventors is not in itself "evidence to the contrary" as to Mandler's statement. If there were any doubt, however, the declarations by Mandler's co-inventors should have resolved it.

The facts in the present case also distinguish clearly over *In re Carreira*, 532 F.2d 1356, 189 USPQ 461 (CCPA 1976), in which Rule 132 declarations were found to be insufficient to overcome rejections over prior art patents to Tulagin et al. and to Clark. In that case, Carreira's application no. 126,219 claimed subject matter that was disclosed in the Tulagin and Clark patents. Tulagin and Clark submitted declarations disavowing inventorship of certain subject matter, but failing to state that the subject matter in question had been invented or disclosed to them by Carreira. The court found these statements "ambiguous and inconclusive," since they did not "establish that the

patentees derived the relevant subject matter from [the appellants]." In the present case, by contrast, the declarations by Mandler's co-inventors state conclusively and unambiguously that Mandler was the sole source of the subject matter in question.

The type of evidence required in order to prove that a disclosure in a prior patent was not "by another" is further clarified by *In re Mathews*, 408 F.2d 1393, 161 USPQ 276 (CCPA 1969). In that case, Dewey's U.S. patent was cited as prior art under 35 U.S.C. §102(e) against Mathews' application no. 263,450, on the grounds that Dewey disclosed a certain circuit that was claimed by Mathews. Mathews submitted a Rule 132 affidavit by Dewey disclaiming inventorship of the circuit claimed by Mathews and stating that Mathews had disclosed the circuit to him. The Court found that "Dewey's affidavit and Mathews' oath accompanying his application are sufficient ... to prove that the relevant disclosure in Dewey was a disclosure of Mathews' own invention," and thus reversed the 102(e) rejection. There is no record of documentary evidence submitted in support of Dewey's affidavit, nor did the court attach any importance to such evidence or the lack thereof.

Thus, to summarize, the case law demonstrates clearly that the unequivocal Rule 132 declarations submitted in this case are more than sufficient to meet Appellants' burden of proof that Mandler was the sole inventor of the subject matter cited by the Examiner in US 2001/0049675 and of claims 67, 68, 76-80 and 88-90 in the present patent

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application. There is no basis in MPEP or in the case law for the Examiner's requirement that Appellants submit additional documentary evidence in support of the declarations.

Therefore, on the basis of these declarations, US 2001/0049675 should be disqualified as prior art under 35 U.S.C. §102(e) against the claims in the present patent application.

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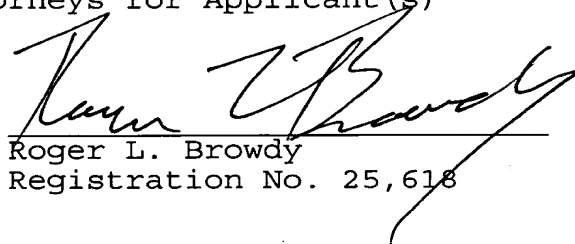
CONCLUSION

For the foregoing reasons, it is submitted that the Examiner's rejection of claims 67, 68, 76-80 and 88-90 was erroneous. Reversal of his decision is respectfully requested.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant(s)

By



Roger L. Browdy
Registration No. 25,618

RLB:rd

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CLAIMS APPENDIX

This listing of claims includes all of the claims involved in the appeal.

Listing of Claims:

67. A computer implemented information retrieval system for returning a semantically dependent directory structure of files to a user, comprising:

a file system engine, that receives a file request via a file system application programming interface, wherein said file request specifies a file content of memorized files;

a parser, linked to said file system engine, that retrieves structural information of documents, said parser further retrieving at least one of elements, attributes and respective values thereof from said documents;

an indexer, linked to said parser, for constructing an inverted index of said elements and said attributes and said respective values thereof,

wherein responsive to said file request, said file system engine retrieves postings of said inverted index that satisfy requirements of said file request, and returns a hierarchical tree of directories to said user; and

wherein said file system engine returns a special virtual directory in each of said directories, wherein a content of said special virtual directory comprises at least one level of said hierarchical tree, said one level being more deeply nested than a level of said special virtual directory in said hierarchical tree.

68. The information retrieval system according to claim 67, wherein said file system engine returns contents of said special virtual directory by invoking an operator, said operator being designated responsively to a name of said special virtual directory, to a context node of a parent of said special virtual directory.

76. The information retrieval system of claim 67, wherein said inverted index comprises a structural section having postings of said structural information, and a words section having postings of words of said documents.

77. The information retrieval system of claim 67, further comprising an analyzer for updating said inverted index, wherein said analyzer analyzes additions to said memorized files.

78. The information retrieval system of claim 67, wherein said parser retrieves said structural information from said documents.

79. A computer implemented information retrieval system for returning a semantically dependent directory structure of XML files to a user, comprising:

a file system engine, that receives a file request via a file system application programming interface, wherein said file request specifies a file content of memorized files;

an XML parser, linked to said file system engine, that retrieves structural information of XML documents, said XML parser further retrieving at least one of elements,

attributes and respective values thereof from said XML documents;

an indexer, linked to said XML parser, for constructing an inverted index of said elements and said attributes and said respective values thereof,

wherein responsive to said file request, said file system engine retrieves postings of said inverted index that satisfy requirements of said file request, and returns a hierarchical tree of directories to said user; and

wherein said file system engine returns a special virtual directory in each of said directories, wherein a content of said special virtual directory comprises at least one level of said hierarchical tree, said one level being more deeply nested than a level of said special virtual directory in said hierarchical tree.

80. The information retrieval system according to claim 79, wherein said file system engine returns contents of said special virtual directory by invoking an operator, said operator being designated responsively to a name of said special virtual directory, to a context node of a parent of said special virtual directory.

88. The information retrieval system of claim 79, wherein said inverted index comprises a structural section having postings of said structural information, and a words section having postings of words of said XML documents.

89. The information retrieval system of claim 79, further comprising an XML analyzer for updating said inverted

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index, wherein said XML analyzer analyzes additions to said memorized files.

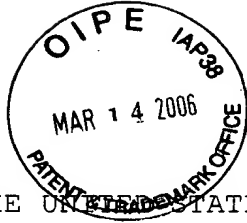
90. The information retrieval system of claim 79, wherein said XML parser retrieves said structural information from said XML documents.

EVIDENCE APPENDIX

1. Declaration under 37 C.F.R. §1.132 by Benjamin Mandler, executed April 19, 2005: response filed May 23, 2005; such response entered and considered in the next official action of August 8, 2005.

2. Declaration under 37 C.F.R. §1.132 by Benjamin Mandler, Yoelle Maarek-Smadja, Alain Azagury and Michael Factor, executed November 20, 2005: response filed December 5, 2005; such declarations entered and considered, see Advisory Action of December 29, 2005.

3. Declaration under 37 C.F.R. §1.132 by Benjamin Mandler and Roman Talyansky: response filed May 23, 2005; such such declarations entered and considered, see Advisory Action of December 29, 2005.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Patent Application of: MANDLER et al.
Serial No.: 09/929,260
Filed: August 15, 2001
For: USE OF SPECIAL DIRECTORIES FOR ENCODING
SEMANTIC INFORMATION IN A FILE SYSTEM

Group Art Unit: 2165
Examiner: Samuel G. Rimell


RULE 132 DECLARATION OF BENJAMIN MANDLER

I, the undersigned, Benjamin Mandler of 6 Heharuv Street, Zichron Yaakov, Israel, hereby declare as follows:

1. I am one of the Applicants in U.S. Patent Application No. 09/929,260 (hereinafter "the Application").
2. I was also one of the Applicants in U.S. Patent Application Publication 2001/0049675 A1 (hereinafter "the Publication").
3. In an Office Action dated February 23, 2005, claims 67, 68, 76-80 and 88-90 in the aforesaid Application were rejected under 35 U.S.C. 102(e) over the Publication. In making this rejection, the Examiner cited subject matter shown in Fig. 8 of the Publication and described in claims 19, 20, 22 and 23 of the Publication.
4. I was the sole inventor of all the subject matter that was cited by Examiner in Fig. 8 and in claims 19, 20, 22 and 23 of the Publication.

In Re: U.S.S.N. 09/929,260
Group Art Unit 2165
Rule 132 Declaration of Benjamin Mandler, cont'd

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and conjecture are thought to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application of any patent issued thereon.



Benjamin Mandler, Citizen of Israel
6 Heharuv Street, Zichron Yaakov
April 19, 2005



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Patent Application of: MANDLER et al.
Serial No.: 09/929,260
Filed: August 15, 2001
For: USE OF SPECIAL DIRECTORIES FOR ENCODING
SEMANTIC INFORMATION IN A FILE SYSTEM

Group Art Unit: 2165

Examiner: Samuel G. Rimell

RULE 132 DECLARATION OF BENJAMIN MANDLER AND ROMAN

TALYANSKY

We, the undersigned, Benjamin Mandler of 8 Heharuv Street, Zichron Yaakov, Israel, and Roman Talyansky of 39/1 Naomi Street, Haifa, Israel, hereby declare as follows:

1. We are the Applicants in U.S. Patent Application No. 09/929,260 (hereinafter "the Application").
2. Benjamin Mandler was the sole inventor of claims 67, 68, 76-80 and 88-90 in the aforesaid Application.
3. Roman Talyansky and Benjamin Mandler jointly invented claims 69 and 81.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and conjecture are thought to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the

In Re: U.S.S.N. 09/929,260

Group Art Unit 2165

Rule 132 Declaration of Benjamin Mandler and Roman Talyansky,
cont'd

validity of the application of any patent issued thereon.

Benjamin Mandler, Citizen of Israel
8 Heharuv Street, Zichron Yaakov
November 21, 2005

Roman Talyansky, Citizen of Israel
39/1 Naomi Street, Haifa
November 21, 2005



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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RULE 132 DECLARATION OF BENJAMIN MANDLER AND ROMAN

TALYANSKY

We, the undersigned, Benjamin Mandler of 8 Heharuv Street, Zichron Yaakov, Israel, and Roman Talyansky of 39/1 Naomi Street, Haifa, Israel, hereby declare as follows:


1. We are the Applicants in U.S. Patent Application No. 09/929,260 (hereinafter "the Application").
2. Benjamin Mandler was the sole inventor of claims 67, 68, 76-80 and 88-90 in the aforesaid Application.
3. Roman Talyansky and Benjamin Mandler jointly invented claims 69 and 81.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and conjecture are thought to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the

In Re: U.S.S.N. 09/929,260
Group Art Unit 2165

Rule 132 Declaration of Benjamin Mandler and Roman Talyansky,
cont'd

validity of the application of any patent issued thereon.



Benjamin Mandler, Citizen of Israel
8 Heharuv Street, Zichron Yaakov
November 21, 2005

Roman Talyansky, Citizen of Israel
39/1 Naomi Street, Haifa
November 21, 2005



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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SEMANTIC INFORMATION IN A FILE SYSTEM

Group Art Unit: 2165

Examiner: Samuel G. Rimell

RULE 132 DECLARATION OF BENJAMIN MANDLER, YOELLE MAAREK-
SMADJA, ALAIN AZAGURY AND MICHAEL FACTOR

We, the undersigned, Benjamin Mandler of 8 Heharuv Street, Zichron Yaakov, Israel, Yoelle Maarek-Smadja of 57 Albert Schweitzer Street, Haifa, Israel, Alain Azagury of 7 Shlonsky Street, Haifa, Israel, and Michael Factor of 32 Rachel Street, Haifa, Israel, hereby declare as follows:

1. We are the Applicants in U.S. Patent Application No. 09/873,084, published as US 2001/0049675 (hereinafter "the Publication"), which was cited against U.S. Patent Application No. 09/929,260 under 35 U.S.C. 102(e) in an Office Action dated August 8, 2005. In making this rejection, the Examiner cited subject matter shown in Fig. 8 of the Publication and described in claims 19, 20, 22 and 23 of the Publication.


2. Benjamin Mandler was the sole inventor of all the subject matter that was cited by Examiner in Fig. 8 and in claims 19, 20, 22 and 23 of the Publication.

In Re: U.S.S.N. 09/929,260

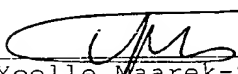
Group Art Unit 2165

Rule 132 Declaration of Benjamin Mandler, Yoelle Maarek-Smadja, Alain Azagury, and Michael Factor, cont'd

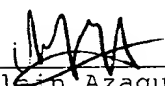
We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and conjecture are thought to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application of any patent issued thereon.



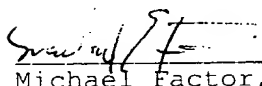
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November 20, 2005



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November 20, 2005

In re Appln. No. 09/929,260

RELATED PROCEEDINGS APPENDIX

None.